

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 195/1992 199
T.A. No.

DATE OF DECISION 29.6.92

K.M.Thankamoney and another _____ Applicant (s)

M/s.M.Paul Varghese _____ Advocate for the Applicant (s)

Versus

Union of India,
represented by ~~Secretary to Government~~, Respondent (s)
Ministry of Communications,
New Delhi and three others.

Mrs. K.B.Subhagamani,ACGSC _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P.MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. A.V.HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. To be circulated to all Benches of the Tribunal? NO

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 28.1.92 the two Postal Assistants working under the Chief Post Master General, Kerala Circle have claimed productivity linked bonus for the period during which they rendered service as Reserve Trained Pool Postal Assistants on the basis of series of decisions given by this Tribunal with particular reference to those in O.A 171/89 and 612/89. They have appended at Annexure-I a copy of the judgment given by this very Bench in O.A. 193/91. The learned counsel for the respondents adopted the reply statement filed by them in O.A. 171/89 as their reply in this case also.

2. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. This very Bench in O.A. 193/91 relied upon the judgment in O.A. 171/89 with the following extracts:-

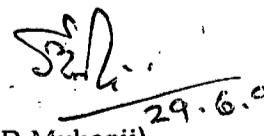
" We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The question of payment of productivity linked bonus to the Reserve Trained Pool Postal Assistants was considered by this Bench of the Tribunal to which one of us (Shri S.P.Mukerji) was a party in O.A.612/89. In the judgment dated 26.4.90 in that case the two applicants therein as R.T.P. were declared to be

entitled to the benefit of productivity linked bonus, if like casual workers they have put in 240 days of service each year for three years or more as on 31st March of each year after their recruitment. The ratio in that judgment was that no distinction can be made between as R.T.P. worker and the casual labourer. If casual labourers have been given ex-gratia payment on the lines of productivity linked bonus there was no reason by the R.T.P. candidates also should not get the same after they fulfill the same conditions of intermittent employment etc. which are applicable to casual labourers also. The argument of the respondents in this case before us that R.T.P. candidates being not regular employees and not holding any post are not entitled to productivity linked bonus cannot be accepted because casual labourers also are not regular employees nor do they hold any post in the department. It appears that R.T.P. candidates were excluded from the Bonus scheme because as indicated by the respondents themselves, when the original scheme of productivity linked bonus was framed the category of R.T.P. was not in existence. For that account they cannot be, to our mind, discriminated against".

3. Based on the aforesaid judgment, this Bench allowed productivity linked bonus in O.A. 193/91.

4. In the above circumstances we allow this application to the extent of declaring that the applicants are entitled to the benefit of productivity linked bonus during their service as R.T.P. hands if like the casual workers they had put in 240 days of service each year for three years or more as on 31st March of each Bonus year after their recruitment as R.T.P. hands. The amount of productivity linked bonus would be based on their average monthly emoluments determined by dividing the total emoluments for each accounting year of eligibility, by 12 and subject to other conditions of the scheme prescribed from time to time. There will be no order as to costs.


(A.V. Haridasan)
Judicial Member


S.P. Mukerji
Vice Chairman
29.6.92